

From: "Jeffrey H. Schwartz"
To: Nancy Rumrill/R9/USEPA/US|||EPA
Date: 06/23/2009 10:56 AM
Subject: Submission for Lahaina UIC Permit Record

Dear Ms. Rumrill:

Attached you will find a memorandum pertinent to the Lahaina Injection Well UIC Permit that EPA has proposed. This memorandum is intended to amplify on some of the questions, concerns, and points made in the DIRE Coalition request for a public hearing -- on which I am one of the co-signers.

This memorandum makes clear, among other things, that:

1. EPA has the authority to issue the permit for less than 10 years and under these circumstances should exercise that authority.
2. EPA has thus far failed to explain why it is proposing a 10 year permit despite pronounced community opposition and a request in the last hearing in November 2008 to limit the duration of the permit.
3. EPA also has the authority to require as a condition of the permit the conduct of feasibility and design studies for alternative methods of managing the wastewaters when the Lahaina injection wells are closed.
4. EPA also has the authority -- under the circumstances of the situation at Lahaina -- to require the County to obtain an NPDES permit for these indirect discharges into the ocean and that the Agency should exercise this authority to require the County to obtain such a permit.

I would appreciate your making this memorandum part of the record and giving us the opportunity at a public hearing to amplify on some of these critical points.

Sincerely,
Jeff Schwartz
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